UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,590	02/26/2004	Noriaki Okamura	019952-183	4351

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EXAMINER
HSU, RYAN

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

	Application No.	Applicant(s)
Office Action Summary	10/786,590	OKAMURA, NORIAKI
	Examiner	Art Unit	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 December 2007*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-13* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 12/15/07, no claims have been amended in the filed amendment and claims 10-13 were newly added. Claims 1-13 are pending in the current application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what calculations and how a path is currently determined by the methodology. As the cursor control method takes a path that circulates through vicinities of positions of the points on the basis of coordinate positions of the points in the display screen. In the broadest reasonable interpretation the term vicinity could mean all the points on the display screen. It is also notable that these points are visible or invisibly displayed so it is not clear how the reference point of the cursor is even controlled by the current methodology. Furthermore the claim limitation calls for an intersection point of the path and a line segment extending from a predetermined coordinate position in a region. It is unclear from the Examiner's review of the specification where the line segment extends from and how what is the "predetermined coordinate position in a region". Furthermore the steps in the methods seem disjointed as it is mere calculations as it appears that any type of cursor movement displays a position of the cursor by calculating a coordinate position on the X-Y coordinates of a screen and places the cursor at the intersection point of the path in a line segment. Nevertheless the indefiniteness of the terms

vicinities and "segment extending from a predetermined coordinate position" seem to have no

foundation or frame of reference. Additionally, the methodology calls for moving a cursor to a

calculated intersection point coordinate position however no initial point or predetermined

position for a frame of reference is made by the methodology with respect to the cursor. As such

the methodology has been interpreted in the same light as that of the apparatus claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Rimoto (US 6,257,983 B1).

Regarding claim 1, Rimoto discloses a cursor control apparatus which performs cursor

control for moving a cursor displayed on a display screen of a display device to a coordinate

position of one of a plurality of points visibly or invisibly set in the display screen in accordance

with a designation indicating a moving direction of the cursor in the display screen (*see abstract,

col. 6: ln 40-col. 7: ln 20*), comprising: path calculation means for calculating a path which

circulates through vicinities of positions of the points on the basis of coordinate positions of the

points in the display screen (*see Fig. 2-3 and the related description thereof*); intersection point

coordinate position calculation means for calculating a coordinate position of an intersection

point of the path and a line segment extending from a predetermined coordinate position in a

region surrounded by the path calculated by said path calculation means in the moving direction

of the cursor indicated by the designation (*see Fig. 6(a-c) and the related description thereof*);

and a display control means for moving a display position of the cursor to the calculated

intersection point coordinate position (*see Fig. 6d, 12-13 and the respective related description

thereof*).

Regarding claim 8, Rimoto disclose a cursor control program for causing a computer to

perform cursor control for moving a cursor displayed on a display screen of a display device of

the computer to a coordinate position of one of a plurality of points visibly or invisibly set in the

display screen in accordance with a designation indicating a moving direction of the cursor in the

display screen (*see abstract, col. 6: ln 40-col. 7: ln 20*), wherein the program causes the

computer to perform: a path calculation step of calculating a path which circulates through

vicinities of positions of the points on the basis of coordinate positions of the points in the

display screen (*see col. 12: ln 22-67*); an intersection point coordinate position calculation step

of calculating a coordinate position of an intersection point of the path (*see col. 10 : ln 45-col.

12: ln 2*) and a line segment extending from a predetermined coordinate position in a region

surrounded by the path calculated in the path calculation step in the moving direction of the

cursor indicated by the designation (*see col. 10: ln 1-40*); and a display control step of moving a

display position of the cursor to the calculated intersection point coordinate position (*see Fig. 6d,

12-13 and the respective related description thereof*).

Regarding claim 2, Rimoto discloses a control program wherein the coordinate positions

of the points are obtained by projecting coordinate positions, which are represented in a three-

dimensional coordinate system, of corresponding objects in a three-dimensional virtual space (*see Fig.s 12-13 and the related description thereof*).

Regarding claim 3, Rimoto discloses a program wherein the plurality of points includes a point whose coordinate position in the display screen dynamically changes (*see col. 12: ln 22-67*).

Regarding claim 4, Rimoto discloses a program wherein the line segments are drawn from the predetermined coordinate position in the region surrounded by the path calculated by said path calculation means to the points, the points are arranged on the display screen so as to avoid a situation wherein two or more of the points are located on one of the line segments (*see Fig. 12-13 and the related descriptions thereof*).

Regarding claim 5, Rimoto discloses a program, wherein said path calculation means searches for the coordinate positions of the points in a predetermined rotational direction around the predetermined coordinate position based on the coordinate positions of the points, and the path which circulates through all the points is obtained by performing a process of calculating a partial path which connects a found coordinate position and a next found coordinate position for each point (*see Fig. 8(a-b) and col. 12: ln 22-67*).

Regarding claim 6, Rimoto discloses a program wherein the partial path is represented by a curve (*see Fig. 8(a-b) and the related description thereof*).

Regarding claim 7, Rimoto discloses a program wherein the partial path is represented by a line segment (*see Figs. 12-13 and the related description thereof*).

Regarding claim 10, Rimoto is an apparatus capable of performing the operation wherein the points comprise a first point which has an event generated when the cursor overlaps the first point.

Regarding claim 11, Rimoto is an apparatus capable of calculating barycentric position of the points using the coordinate positions of the points; searching each of the points based on the coordinate positions of the points from the calculated barycentric position; connecting a newly found point through the searching to one of more points that are previously found through the searching.

Regarding claim 12-13, Rimoto is an apparatus capable of connecting the newly found point to the one or more points that are previously found using a spline curve, Bezier curve, or a line. Additonally, Rimoto discloses an apparatus that is capable to comprise a second point which does not have an event generated when the cursor overlaps the second point.

Response to Arguments

Applicant's arguments filed 12/17/07 have been fully considered but they are not persuasive. The arguments directed towards the prior art of Rimoto have been considered however are considered moot. The applicant has invoked 112 6th paragraph with the recitation of "means for". As such it is the burden of the office to only provide an apparatus that is capable of performing the functions as described in the instant claims. Rimoto incorporates a cursor control system that has path calculation means, intersection point coordinate position calculation and a display control means. The other recited limitations are all capable of being performed by the system of Rimoto.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The

examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

RH
March 11, 2008